

Appl. No.: 09/924,348

Art Unit: 1732; Docket No.: B01-27

Reply to Final Office Action of April 8, 2004 and Advisory Action of August 3, 2004

### REMARKS

Claim 1 appears in this application for the Examiner's review and consideration. Claim 1 has been amended to include the subject matter of claim 11 (and intervening claims 9 and 10) so that it now recites all elements of original claim 11. Applicant's representatives, Troy R. Lester and William B. Lacy, would like to acknowledge and thank Michael Colaianni for discussing the proposed amendment and that by deleting the dependent claims, no new issues were raised. Pursuant to these discussions, claims 2-8 and 12-15 have been cancelled. Thus, no new matter is added or any new issues raised by these amendments.

### Rejection Over Bissonnette In View of Shichman

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being obvious over the '357 patent to Bissonnette *et al.* in view of the '055 patent to Shichman *et al.*

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Bissonnette is generally directed to methods for making golf balls using rigid uncrosslinked *mantles or shells*, surrounding a solid center, to form a multi-layer "core." The thick (0.1-0.6 inches) *mantles/shells* include a reinforcing polymer component that imparts geometric stability to the uncrosslinked *mantle* material by inhibit shifting of the *mantle* during assembly about the center (See column 5, lines 45-57). Bissonnette's mantles/shells are not equivalent to the cores of the present invention.

The claims of the present invention, on the contrary, are directed to compression molding a core (*i.e.*, like Bissonnette's center, *not* the mantle) in a mold cavity to form a partially-cured core – it is clear from reading the Specification that a "core" of the present invention does not include intermediate layers, no matter what moniker (*e.g.*, mantle, outer core layer, inner cover layer, etc.) is assigned to them. As such, Bissonnette fails to disclose, or even suggest, partially curing the golf ball core of the present invention, let alone placing the partially-cured core in a

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second medium of solid particles having a particle size of 40  $\mu\text{m}$  to 0.1 inches and an average specific heat value in the range from 0.010 BTU/lb-°F to 1.00 BTU/lb-°F.

Shichman does not cure the deficiencies of Bissonnette. Shichman is generally directed to a "free-curing" rubber composition obtained by adding a fiber-forming, semi-crystalline, thermoplastic resin to a rubber composition. The rubber and resin blend is carefully heated to a temperature above the melting point of the resin to insure homogeneous dispersion of the resin, is cooled, then is formed into a shaped article prior to "free curing." If the article is slightly pre-cured, the heating of the mixture of rubber, resin, and curing agent (added after blending) *must be below the melting point of the resin* (See column 7, lines 61-66).

As such, Shichman fails to disclose a golf ball or curing, partially or otherwise, materials for use in a golf ball. Shichman also fails to disclose compression molding the core material in a mold cavity at a first predetermined temperature and time such that the core material becomes a partially-cured core; placing the partially-cured core in a medium at a second predetermined temperature and time to form a substantially-cured core; and that the second medium is solid particles having a particle size of 40  $\mu\text{m}$  to 0.1 inches and an average specific heat value in the range from 0.010 BTU/lb-°F to 1.00 BTU/lb-°F.

Shichman suggests curing by a number of conventional methods: mold curing, injection curing, steam curing, hydraulic curing, and even air curing. Shichman additionally sets forth that the stock can either be heated and/or partially cured in air and completed in the mold or partially cured in the mold and free cured in air. Despite all these potential cure mechanisms and timing, there remains no mention or suggestion, whatsoever, of a second cure by a solid particulate medium.

Neither reference, alone nor in combination, discloses the element of partially curing a core in a compression mold and then substantially curing the core in a medium. At best, Bissonnette, when combined with Shichman, suggests that semi-ellipsoidal half-shells formed of a thermoplastic/rubber blend can be injected over a center to form a core and then the core can be free cured in a manner other than with a hot solid particulate medium. This is not what is claimed in the present invention.

Thus, for at least the above reasons, the rejection under 35 U.S.C. § 103(a) is believed to have been overcome. Applicant respectfully requests reconsideration and withdrawal thereof.

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**Rejections Over Bissonnette In View of Shichman and Watson**

Claims 9-11 and 16-17 were separately rejected under 35 U.S.C. § 103(a) as being obvious over Bissonnette in view of Shichman and Watson. Claims 9-11 and 16-17 have been cancelled, rendering this rejection moot.

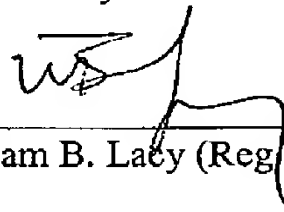
Thus, for at least this reason, the rejections under 35 U.S.C. § 103(a) are believed to have been overcome. Applicant respectfully requests reconsideration and withdrawal thereof.

**CONCLUSION**

Based on the remarks set forth above, Applicant believes that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicant's attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee, other than \$110.00 for a one-month extension of time, extending the deadline for reply from July 8, 2004 to August 9, 2004 (because the mailing date of the Final Office Action was April 8, 2004 and August 8, 2004 fell on a Sunday), is believed to be due for this submission. Should any other required fees be due, however, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



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